

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

LANCE R. MARTIN,
Plaintiff,
v.
T. HARRINSTON, et al.,
Defendants.

Case No.: 14CV2914 BEN (PCL)

**ORDER DENYING MOTION FOR
TRANSCRIPTS AT GOVERNMENT
EXPENSE**

[Docket No. 28]

Lance R. Martin, a state prisoner proceeding pro se, has filed a “Motion for Transcripts at Government Expense.” (Docket No. 28.) However, Plaintiff is not seeking transcripts. He is requesting “a conformed copy of [his] Second Amended Complaint . . . with exhibits filed on court record dated May 20, 2015.”¹ (*Id.*)

Plaintiff was allowed to proceed in forma pauperis (“IFP”) pursuant to 28 U.S.C. § 1915(a). However, his initial complaint, First Amended Complaint, and SAC were each dismissed for failing to state a claim. (Docket Nos. 3, 17, 22.) The SAC was dismissed without leave to amend based on futility and Plaintiff filed an appeal. (Docket

¹ Plaintiff’s SAC, including exhibits, is approximately 130 pages.

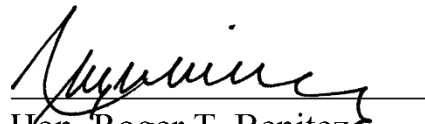
1 Nos. 22, 24.) Plaintiff indicates that he needs a copy of the SAC for purposes of quoting
2 from it in his appellate brief. However, it is not clear why Plaintiff does not have a copy
3 of his own pleading or why the Court should provide a copy at government expense.

4 Generally, a plaintiff's IFP status does not authorize the court to "to commit
5 federal monies for payment of the necessary expenses in a civil suit brought by an
6 indigent litigant." *Tabron v. Grace*, 6 F.3d 147, 158-59 (3d Cir. 1993); *see also United*
7 *States v. MacCollom*, 426 U.S. 317, 321 (1976) (discussing free transcripts and noting the
8 established rule that "expenditure of public funds is proper only when authorized by
9 Congress"); *Tedder v. Odel*, 890 F.2d 210, 211-12 (9th Cir. 1989) (finding 28 U.S.C. §
10 1915 does not waive payment of indigent's witness fees). It appears that Plaintiff is
11 simply attempting to obtain a free copy of his own document without any explanation
12 why he should not pay for the copy or why he did not retain a copy of his own pleading.
13 However, Plaintiff is not entitled to "have documents copied and returned to him at
14 government expense." *In re Richard*, 914 F.2d 1526, 1527 (6th Cir. 1990).

15 Plaintiff's Motion is **DENIED**.

16 **IT IS SO ORDERED.**

17 Dated: December 16, 2015

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19 Hon. Roger T. Benitez
20 United States District Judge
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